HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21020 of 2007

Dated 5th October, 2007

Between
Bijja Sathaiah and ors

…Petitioners

and

Fisheries Development Officer,
Dist. Fisheries Coop.Society, Medak, Medak Dist and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :21020 of 2007

ORDER:

In this Writ Petition, the petitioners, who are the members of the Primary Fishermen Cooperative Societies, seek Writ of Mandamus, to direct the respondents to conduct election to the Managing Committee of the District Fisheries Cooperative Society, Medak, by way of secret ballot pursuant to the notice dated 23-9-2007.

It is the grievance of the petitioners that if the election to the Managing Committee of the District Fisheries Cooperative Society is conducted by way of show of hands as notified in the election notice dated 23-9-2007, the exercise of franchise will be known to the non-elected persons and there is likelihood of internal unrest among the

members of the society.

The mode of election of Member of Committees of Weaker Section societies is contemplated under Rule 22-B of the AP Cooperative Societies Rules, 1964, framed in exercise of powers conferred by Section 130 of the AP Cooperative Societies Act, 1964. A reading of Rule 22-B(a) of the Rules makes it clear that the mode of election of member of Committees of weaker Section societies is by way of show of hands at the general meeting convened for election. In the instant case also, in the election notice issued on 23-9-2007, it is notified that elections are to be held in the general meeting held on 8-10-2007 by way of show of hands. The procedure notified to conduct election is in accordance with Rule 22-B(a) of the AP Cooperative Societies Rules, 1964, and therefore, no direction can be issued by way of Writ of Mandamus to conduct elections otherwise. In any event, in this case, election notice is issued on 23-9-2007. This Court is usually slow in interfering with the election process, particularly when election notice is issued by the competent election officer, unless the same is glaringly illegal. In that view of the matter, I do not find any valid ground to grant the relief as prayed for.

The Writ Petition is dismissed at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 5-10-2007.
Msnr.